



Order Filed on August 9, 2019  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

815957

**Phelan Hallinan Diamond & Jones, PC**

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856-813-5500

**Attorneys for PHH Mortgage Corporation**

In Re:

Brian T. Fultz

Case No: 18-26234 - RG

Hearing Date: July 17, 2019

Judge: Rosemary Gambardella

Recommended Local Form:



Followed



Modified

**ORDER RESOLVING APPLICATION TO EXTEND OR TERMINATE LOSS MITIGATION**

The relief set forth on the following page, numbered two (2) is hereby **ORDERED**.

**DATED: August 9, 2019**

A handwritten signature in cursive script that reads "Rosemary Gambardella".  
\_\_\_\_\_  
Honorable Rosemary Gambardella  
United States Bankruptcy Judge

Applicant:	<u>PHH Mortgage Corporation</u>
Applicant's Counsel:	<u>Phelan Hallinan Diamond &amp; Jones, PC</u>
Debtor's Counsel:	<u>Russell L. Low, Esquire</u>
Property Involved ("Collateral"):	<u>610 MCBRIDE AVENUE, WEST PATERSON, NJ 07424-2822</u>

For good cause shown, it is **ORDERED** that Applicant's Objection to the Application to Extend the Loss Mitigation Order is resolved, subject to the following conditions:

1. Loss Mitigation period is hereby extended to September 23, 2019 with no extensions with the only exception that if the documents are pending a decision by PHH Mortgage Corporation and not yet rendered.
2. If a loan modification is not offered by September 23, 2019, the Debtor must either:
  - a. Modify the Chapter 13 Plan to fully cure the secured Creditor's post-petition arrearages claim as defined by Proof of Claim 2 filed November 27, 2018; or
  - b. Surrender the subject property; or
  - c. Convert case to a Chapter 7 case.
3. If a loan modification is not secured by Debtor on or before March 11, 2019, Secured Creditor may proceed with a Motion for Relief with no further delays caused by Debtor's re-entry or participation in the Court's Loss Mitigation Program.
4. Debtor shall tender adequate protection payments to PHH Mortgage Corporation as required by the Loss Mitigation Program (LMP). The adequate protection payments will continue only while the Debtor is in LMP. The Loss Mitigation Program is scheduled to terminate on September 23, 2019. If the Debtor fails to make adequate protection payments, PHH Mortgage Corporation will file an Application for Early Termination of LMP. Once the Loss Mitigation Program terminates on September 23, 2019, or an earlier date confirmed by the court, the Debtor shall cease tendering the reduced adequate protection payments and begin making regular monthly mortgage payments to PHH Mortgage Corporation as required by the mortgage and note.
5. The instant Order does not replace rules and procedures of the Court's Loss Mitigation Program and both parties are bound by same.
6. This Order shall be incorporated in and become a part of any Order Confirming Plan in the herein matter.
7. Both parties agree that this will be the final extension of the loss mitigation in the underlying bankruptcy case.